

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

YUYING LI,

Plaintiff,

vs.

MICHAEL CHERTOFF, As Secretary of  
the Department of Homeland Security;  
EDUARDO AGUIRRE, Director of the  
U.S. Citizenship & Immigration Services;  
ROBERT S. MUELLER III, Director of the  
U.S. Federal Bureau of Investigation,

Defendants.

CASE NO. 07cv0429-LAB (LSP)

**ORDER RE: ATTEMPTED  
RESPONSE TO ORDER TO  
SHOW CAUSE**

Plaintiff's complaint in this case sought an order requiring prompt adjudication of her application for permanent status. Plaintiff served Defendants but took no further steps to prosecute her case, such as by moving for summary judgment. Defendants, however, filed a motion to dismiss, which is pending.

On December 14, 2007, Defendants filed a notice with a supporting declaration showing that Plaintiff's application had been adjudicated and approved. The Court therefore on December 19, 2007, issued an order requiring Plaintiff to show cause why her complaint should not be dismissed as moot. The Court ordered Plaintiff to show cause no later than 21 days from the date the order was entered by filing and serving a memorandum of points and authorities.

1 On January 7, 2008, within the 21 days, Plaintiff submitted for filing a memorandum  
2 of points and authorities. She did not, however, attach a proof of service. Therefore, by  
3 separate order, the submitted filing was rejected for filing and was ordered returned to  
4 Plaintiff. Plaintiff's memorandum agreed that her application had been adjudicated and  
5 approved, but pointed out that her permanent resident card incorrectly lists her place of birth  
6 as Taiwan, whereas the attached documentation indicates she was born in Shanghai,  
7 People's Republic of China and is a citizen of the People's Republic of China.

8        The claims Plaintiff now presented were not included in her complaint; thus, the Court  
9 cannot consider them unless Plaintiff amends her complaint. However, because it appears  
10 the problem Plaintiff now points out may be amenable to resolution by administrative action  
11 without the need for further litigation, this matter is hereby referred to Magistrate Judge  
12 Papas for a settlement conference. The Court **ORDERS** the parties promptly to contact  
13 Judge Papas' chambers and set a conference for the purpose of discussing possible  
14 settlement. The parties are directed to notify the Court promptly of the results of this  
15 conference. The Court will stay further action pending this conference.

**IT IS SO ORDERED.**

17 | DATED: January 14, 2008

Larry A. Bunn

**HONORABLE LARRY ALAN BURNS**  
United States District Judge